

1 STUART F. DELERY
Acting Assistant Attorney General, Civil Division

2
3 MELINDA HAAG (CABN 132612)
United States Attorney for the Northern District of California

4
5 MAAME EWUSI-MENSAH FRIMPONG (CABN 222986)
Deputy Assistant Attorney General, Civil Division

6
7 MICHAEL S. BLUME (PA 78525)
Director, Consumer Protection Branch

8
9 ADRIENNE E. FOWLER*
Trial Attorney, Consumer Protection Branch, U.S. Department of Justice
450 5th St. NW, Room 6400
10 Washington, DC 20530
11 (202) 514-9471
(202) 514-8742 (fax)
12 Adrienne.E.Fowler@usdoj.gov

13 Attorneys for Plaintiff

14
15 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,) Case No.:
18)
19 Plaintiff,) [PROPOSED] STIPULATED ORDER
v.) FOR PERMANENT INJUNCTION AND
20) CIVIL PENALTY JUDGMENT
GOOGLE INC.,)
21)
22 Defendant.)
23)

24
25 Plaintiff, the United States of America, ~~inc~~ upon notification and authorization to the
26 Attorney General by the Federal Trade Commission ("FTC" or the "Commission"), has
27 commenced this action by filing a Complaint pursuant to Section 16(a) of the Federal

28
* Member in good standing of the New York Bar, which does not issue bar numbers.

1 Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45 and 56(a). Defendant, Google Inc.
2 ("Defendant"), has waived service of the summons and the Complaint. The parties, represented
3 by the counsel identified below, have agreed to this settlement of the action without adjudication
4 of any issue of fact or law.

5 The parties have consented to the entry of this Stipulated Order for Permanent Injunction
6 and Civil Penalty Judgment ("Order") to resolve all matters of dispute between them in this
7 action and any claim that Defendant's conduct in connection with the matters alleged in the
8 Complaint violated the FTC Act or the FTC Decision and Order in FTC Docket No. C-4336
9 (2011) ("the FTC Order"). However, this Stipulated Judgment and Order does not resolve or
10 impact any matter alleged to violate antitrust laws of the United States.

11 THEREFORE, it is hereby ORDERED as follows:

12 STIPULATED FACTS

13 1. In its Complaint, Plaintiff alleges that Defendant violated Part I of the FTC Order.

14 2. Defendant denies any violation of the FTC Order, any and all liability for the
15 claims set forth in the Complaint, and all material allegations of the Complaint save for those
16 regarding jurisdiction and venue.

17 3. This Court has jurisdiction over the subject matter of this case and jurisdiction
18 over all parties pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345, and 1355, and 15 U.S.C. §§ 45
19 and 56(a).

20 4. Venue is proper as to all parties in this District.

21 5. The Complaint states a claim upon which relief may be granted against Defendant
22 under Section 5 of the FTC Act, 15 U.S.C. § 45.

23 6. The alleged acts and practices of Defendant are in or affecting commerce, as
24 defined in Section 4 of the FTC Act, 15 U.S.C. § 4, as "commerce among the several States or
25 with foreign nations."

26 7. Defendant enters into this Order freely and without coercion. Defendant further
27 acknowledges that it has read the provisions of the Order and is prepared and able to abide by
28 them.

STIPULATED ORDER

1 8. Defendant waives any claim that it may hold under the Equal Access to Justice
2 Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order,
3 and agrees to bear its own costs and attorneys' fees.

4 DEFINITIONS

5 1. "Defendant" means Google Inc. and its successors and assigns.

6 2. "DoubleClick.net Cookie" means any third party cookie Google has placed from
7 doubleclick.net.

8 3. "Browser" means a standalone desktop or mobile software application that allows
9 users to enter URLs and navigate and display web pages.

10 I. CIVIL PENALTY JUDGMENT

11 IT IS ORDERED that judgment in the amount of twenty-two million five hundred
12 thousand dollars (\$22,500,000) is hereby entered against Defendant as a civil penalty pursuant to
13 Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

14 A. Within five (5) days of entry of this Order, Defendant shall transfer the civil
15 penalty payment in the form of an electronic fund transfer in accordance with the procedures
16 specified by the Consumer Protection Branch, Civil Division, U.S. Department of Justice,
17 Washington, DC 20530.

18 B. In the event of any default in payment of the entire unpaid amount, together with
19 interest, as computed pursuant to 28 U.S.C. § 1961 from the date of default to the date of
20 payment, shall immediately become due and payable.

21 C. Defendant relinquishes all dominion, control and title to the funds paid to the
22 fullest extent permitted by law. Defendant shall make no claim to or demand for return of the
23 funds, directly or indirectly, through counsel or otherwise.

24 II. REMEDIATION

25 Until February 15, 2014, Defendant will maintain
26
27
28

1 FOR THE FEDERAL TRADE COMMISSION:

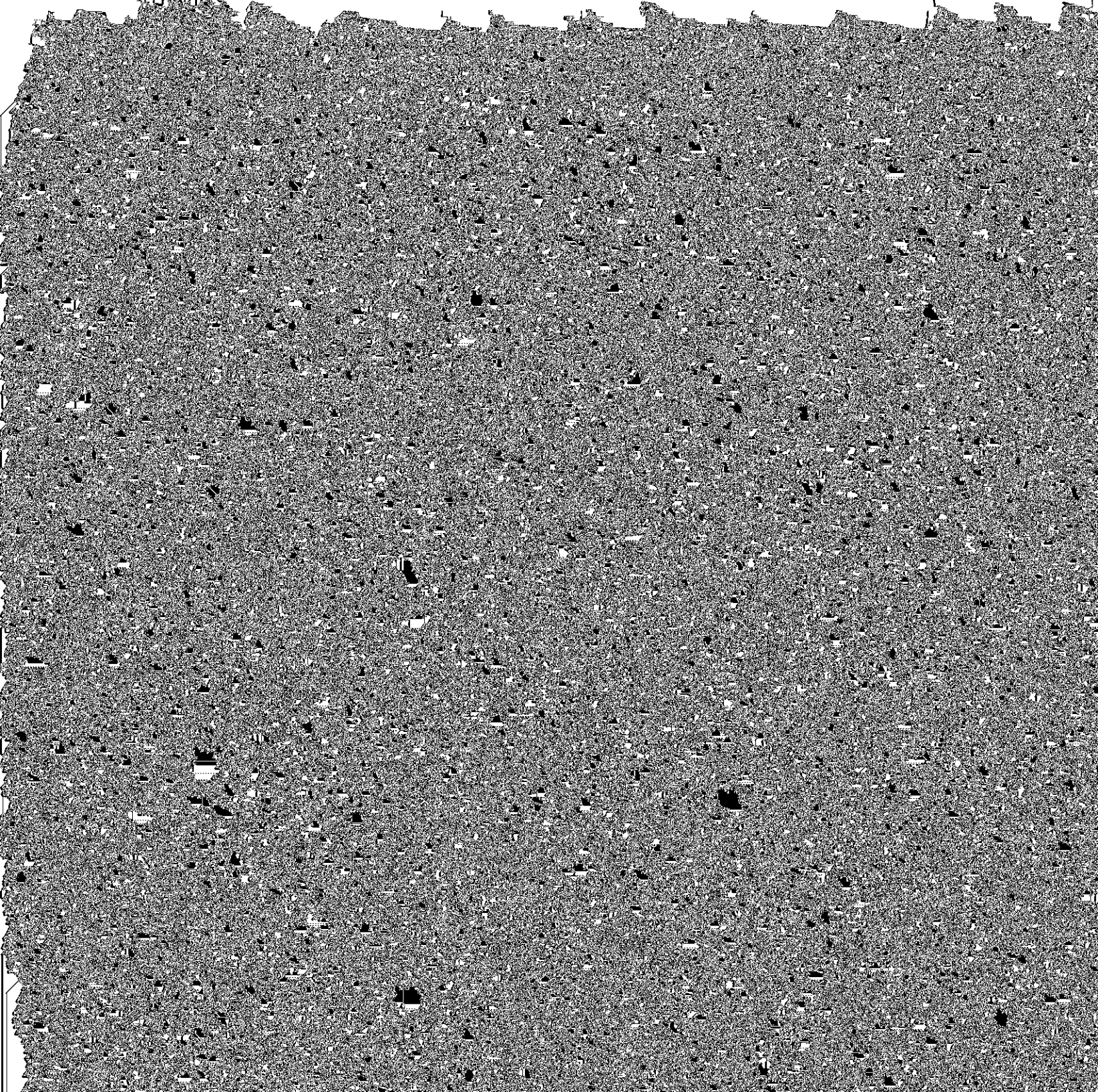
2

3

MEGAN E. GRAY

4

Attorney



FOR THE DEFENDANT: